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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

"God of our fathers, whose almighty hand leads forth in beauty, all the starry band of shining worlds and splendor through the skies, our grateful songs before Your throne arise."

Lord, give the Members of this body Your special grace. The responsibility they face is difficult and daunting. Let Your light and truth infuse this place today, and may our lawmakers depend completely upon Your transcendent wisdom. Use them as children of light and heirs of Your everlasting inheritance. May their lives ever praise Your wonderful and Holy Name. In the Name of Him who is perfect justice and unlimited compassion. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 10, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Sen-

ator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he chooses to make some, the Senate will resume consideration of the motion to proceed to S. 3044, the Consumer-First Energy Act. There will then be 1 hour for debate prior to a series of 5 rollcall votes. The first vote in the series will be a cloture vote on the motion to proceed to the Consumer-First Energy Act. If cloture is not invoked on the motion to proceed, the Senate will proceed to a cloture vote on the motion to proceed to H.R. 6049, the Renewable Energy and Job Creation Act. Following that vote, or votes, there will be up to 10 minutes for debate under the control of Senators LEAHY and SPECTER prior to a series of up to three rollcall votes on the confirmation of three district court judges.

### ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that the time Senator MCCONNELL and I use not be charged against the 1 hour precloture time so that there will be a full hour of debate on the issue relating to gas prices.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CONSUMER-FIRST ENERGY ACT

Mr. REID. Mr. President, last Friday, I spoke of the high energy prices—I

have done that on a number of occasions recently—and the need for the Senate to pass the Consumer-First Energy Act. That will be the first vote we will have.

When I came to the Senate floor Friday, we had already had a very difficult day. We got up and saw in the newspaper that day that the market had crashed and gas prices were spiraling up to \$132 a barrel. There were other things that were not good from an economic perspective. I did not have any idea that the price of oil would go up to almost \$140 a barrel. Actually, it did that during the remarks I was making.

The massive spike in oil prices we saw on Friday and the corresponding 400-point drop in the Dow only compounded the crisis that has been growing for months and even years. When President Bush took office, a barrel of oil cost \$32 and a gallon of gasoline cost less than \$1.50. Of course, now, the average price in our country is more than \$4 a gallon, for the first time in the history of our country.

The President took us to war—a war of choice—and Vice President CHENEY invited oil executives to the White House to secretly write our national energy legislation. It was secret, so people went to court—it went all the way to the Supreme Court—to try to find out whom he met with, what he talked about, and what arrangements he made with the big oil companies. He was able to keep it secret. It is still secret. All we know is that the oil companies made \$250 billion in net profit last year. So we have a pretty good idea what went on in the White House. They never asked the oil executives, obviously, to build new refineries or to invest in clean, renewable alternative fuels. They apparently failed to consider the national security implications of our addiction to oil and never

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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asked the oil companies to invest in clean energy.

You can take all the oil in the world—100 percent of it—and you can add in ANWR and all of the offshore we have in America today, and we have less than 3 percent of the oil in the world. We cannot produce our way out of the problems we have. Can we do more with production? Of course. That is the reason Democrats led the charge last year to bring into fruition more drilling off the coast of Louisiana and Mississippi.

We know we have to do something to wean ourselves from the 21 million barrels of oil we use every day—and 65 percent of that we import. But the Bush administration has failed to address these concerns. Sadly, the Republican Members of Congress stood by his side cheering him on and cheering on the oil companies to make more money.

The American people are suffering the consequences of the Bush administration's recklessness. As we speak, our airlines are on the verge of bankruptcy. What they have made a decision on last week—even though the airplanes were filled with passengers—is they have cut 20 percent of the flights around the country. Why? Because with every airplane load of passengers they haul, they lose money. They want to have airplanes that use less fuel, so even though the airlines are filled with passengers, they are saying they are losing more money at that airline that is going to Missoula, MT, or Kansas City, and therefore they are going to stop the flight—even though it is full—because that airline used more fuel than one taking somebody the same distance to someplace else. That sounds pretty crazy, but the airline industry is on the verge of not being able to continue. We cannot compete at this stage with the European airline industry. Here, we pay \$1.40 for a gallon of aviation fuel; they pay 75 to 80 cents there. We cannot compete. The cost of fuel is exceeding half of the cost of an airline, and they simply cannot make it.

It wasn't until Democrats won the majority that we finally were able to pass an energy bill last year that did some things. For the first time in 30 years, we increased the fuel economy standards and did a little bit to promote clean, American-made alternative fuels. We continued offering responsible solutions to reverse the energy crisis—and there is an energy crisis.

All this time, out there every day, we have the Sun shining, the wind blowing, and steam coming from the Earth, and we are doing nothing to capture that—virtually nothing. Why? Because we cannot get our Republican colleagues to join us in passing tax incentives to allow the great entrepreneurial spirit of America to invest in renewable fuels. We want to reverse the energy crisis. Yet our Republican colleagues inexplicably are refusing to work with us and prefer to simply con-

tinue to feed our addiction to oil. Some Republicans propose drilling in ANWR, but experts agree that we cannot drill our way out of this crisis. The ANWR thing won't pass. It has been decided that is not something we need to do.

Last week, Republicans took to the floor and talked about high gas prices. We got their memo saying they want this global warming thing to be “global warming and gas prices.” When they had the chance to vote on that, they walked away from it. Mr. President, they have the opportunity today to vote to bring us to the point where we can start legislating on gas prices. I hope their rhetoric last week is an indication that they are going to allow us to proceed.

This morning, we will vote to invoke cloture so we can move to pass the Consumer-First Energy Act. They have blocked this responsible legislation, or something similar to it, in the past. Maybe this time it will be different.

Observers have said that now that gas is over \$4 per gallon, it might be a tipping point for the American people. I hope it will be a tipping point for the Republicans in the Senate. We have SUVs that are now not being bought, which are manufactured by our manufacturers. We have hybrids coming into being, and that is good. Some people are abandoning their SUVs and cars—because they have no alternative—for public transportation. In States such as Montana or Nevada, where you have large areas of rural roads, people have to drive. There is no public transportation available. So public transportation is not an option for everybody, especially Americans living in rural areas and commuting long distances—areas not served by public transportation. No matter where we live or what our transportation options are, we all deserve a cleaner, safer, more affordable future.

Following the lead of the American people, perhaps Republican Senators have reached their own tipping point and are now ready to embrace change with us. We hope so. The choice today is simple: They can continue to stand with the Bush-Cheney administration and the modern-day oil barons or they can join us on the side of the struggling American families who deserve better.

I urge all of my colleagues—Democrats and Republicans—to support allowing us to proceed on this legislation. This is responsible legislation. We will end billions of dollars of tax breaks for these huge oil companies and executives who have been hauling in record salaries while the profits of the companies are skyrocketing. Second, we force the oil companies in this legislation to do their part by investing some of their profits in clean, affordable alternative energy. We protect the American people from price gouging. We stand up to OPEC and countries that are colluding together to keep oil prices high. We look at these margins. Many people believe the high cost of oil is sheer speculation.

This legislation, I acknowledge, is not a silver bullet that will solve the energy crisis, but it will take a nip out of it. After 7½ years of the Bush-Cheney energy policy, there are no quick fixes. The road ahead won't be easy. This is a start to help lower prices and to help working families make ends meet. It is one small step on a long and uphill road to a cleaner, more affordable energy future and to restoring the affordability of the American dream to families all over our country.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### WINDFALL PROFITS TAX

Mr. MCCONNELL. Mr. President, over the weekend, as we all know, the average U.S. gas prices hit an alltime high of more than \$4 a gallon. I only point this out because it seems our friends on the other side aren't aware of it. In the middle of what some are calling the biggest energy shock in a generation, they seem baffled. Faced with a national outrage over gas prices, they propose as a solution, of all things, a windfall profits tax. If the idea had any merit at all, Republicans would consider it. But, of course, it doesn't.

We know from experience that Jimmy Carter tried a tax hike in 1980, and it was a miserable failure.

The Congressional Research Service says its only effect—its only effect—was to depress domestic production, thus significantly increasing our reliance on foreign oil and, in the end, less domestic production led to significantly less revenue from the tax that was expected. The same thing, of course, would happen again.

The biggest hit would not be to the energy companies, it would be to the American consumer who now dreads pulling his or her car into the gas station. Hitting the gas companies might make for good campaign literature or evening news clips, but it will not address the problem. This bill is not a serious response to high gas prices. It is just a gimmick. Don't take my word for it. The Democrats themselves said as much when their leadership proposed this sham solution last month.

Americans have lost patience with Democratic inaction on gas prices. Americans understand supply and demand. They know the only way to drive prices down is to drive production up at home by reducing demand through the kind of sensible action we took last year on fuel efficiency and renewable fuels. With gas now at \$4 a gallon, recent polls show that an increasing number of Americans are calling on us to exercise the option of exploring for energy at home.

What is the Democratic response to all this? Last week, the majority proposed a climate change tax that would have raised gas prices \$1.40 a gallon higher than they already are. They are hoping the idea of going after energy